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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/089,658	07/22/2002	Alvin Berger	3712161.00044	6858				
29157 K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690	7590 03/15/2012		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>ROGERS, JAMES WILLIAM</td></tr></table>		EXAMINER	ROGERS, JAMES WILLIAM		
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			<table border="1"><tr><td>NOTIFICATION DATE</td><td>DELIVERY MODE</td></tr><tr><td>03/15/2012</td><td>ELECTRONIC</td></tr></table>	NOTIFICATION DATE	DELIVERY MODE	03/15/2012	ELECTRONIC	
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03/15/2012	ELECTRONIC							

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary**Application No.**

10/089,658

Applicant(s)

BERGER ET AL.

Examiner

JAMES ROGERS

Art Unit

1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/02/2012.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,3,4,6,9-11,13-16,18,19 and 21 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3,4,6,9-11,13-16,18,19 and 21 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-889)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Applicants amendments to the claims filed 02/02/2012 have been entered. Any objection/rejections from the previous office action filed 11/09/2011 not addressed below has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,3-4,6,9-11,13-16,18-19 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This new rejection was necessitated by applicants amendments to the claims. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically the examiner could not find support for the new limitations in claims 1,3-4,10,14-16 and 21 for the sn positions of the inhibitor. Additionally the examiner could not find support for the listed inhibitors oleoyl, palmitoyl and linoleyl. Applicants have not led the examiner to where support for claim amendments may be found in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, for the reasons set forth in the previous office action.

Response to Arguments

Applicant's arguments filed 02/02/2012 have been fully considered but they are not persuasive. Applicants assert that the term synthesizing in claim 19 is not indefinite because its meaning would be understood to one of ordinary skill in the art. The problem is not that the word "synthesizing" itself is unclear; it is how applicants employ the term to limit the claim which produces the issue of indefiniteness. As noted previously it is unclear if the naturally occurring precursor is "synthesized" with another material or if applicants intend to mean that the precursor is synthesized from some starting materials not described in the claim. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-4,6,9-11,13-16,18-19 and 21 rejected under 35 U.S.C. 102(b) as being anticipated by Crissinger et al. (US 5,411,751), as evidenced by Bennett et al. ("SUPPRESSION OF RENAL INFLAMMATION WITH VITAMINS A AND E IN ASCENDING PYELONEPHRITIS IN RAT", The Journal of Urology, Volume 161, Issue

5, May 1999, Pages 1681-1684), for the reasons set forth in the previous office action filed 11/09/2011 and the new reasoning necessitated by amendment below.

Regarding applicants new limitations on the positions of the fatty acids in the triglyceride, as noted previously the composition contained triglycerides containing any of the named fatty acids in combination such as arachidonic acid (preferred), palmitic, linolenic (preferred) etc. See col 1 line 60-cool 2 line 36, col 4 lines 49-64. These acids could be located at any position in the triglyceride (*sn*-1, *sn*-2 and *sn*-3). See col 2 lines 32-36. Arachidonic acid meets the claimed precursor for a compound with anandamide activity and palmitic, linolenic acid meet the claimed inhibitor of anandamide.

Response to Arguments

Applicant's arguments filed 02/02/2012 have been fully considered but they are not persuasive. Applicants assert Crissinger does not include a structured triacylglycerol comprising a naturally occurring precursor portion that has anandamide activity after metabolization and an inhibitor portion having anandamide activity.

The examiner disagrees. As noted in the rejection above Crissinger discloses the same compound as claimed, a triglyceride containing a naturally occurring precursor portion that has anandamide activity after metabolization, arachidonic acid and an inhibitor portion having anandamide activity palmitic and linolenic acid.

Applicant's arguments, see Applicant Arguments/Remarks Made in an Amendment page 12-13, filed 02/02/2012, with respect to the 35 U.S.C. 103(a) rejections over DiMarzo in view of Burch and DiMazo in view of Burch and Kyle have been fully considered and are persuasive. These rejections have been withdrawn.

Conclusion

No claims are allowed at this time.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Rogers whose telephone number is (571) 272-7838. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Hartley can be reached on (571) 271-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James W Rogers/

Examiner, Art Unit 1618